

COHEN GREEN

November 22, 2022

Hon. Sarah L. Cave, U.S.M.J.
United States District Court, Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007-1312

By Electronic Filing.

Re: Bensmaine v. City of New York, 21-cv-4816 (JLR) (SLC)

Dear Judge Cave:

As the Court likely recalls, my firm and co-counsel represent Plaintiff in the case above. As discussed and directed at the initial conference last week, I write jointly with counsel for Defendants to address the remaining issues on confidentiality and coordination. *See* Dkt. No. 131.

First, the parties are now in agreement that the Court should enter the proposed confidentiality order at Dkt. No. 119-2 (referred to in the Court's Order as "the 'Protective Order'").

Second, the parties have not been able to reach an agreement on the proper wording of Paragraph No. 10 of the coordination order.¹ The parties' proposed text, with the area of dispute in bold is below:

Plaintiff: "Plaintiff may depose witnesses that have already been deposed in the Consolidated Actions, only to the extent that they are a named defendant and/or fact witness in the instant matter. However, plaintiff may not **duplicate questioning from** the Consolidated actions."

Defendants: Plaintiff may depose witnesses that have already been deposed in the Consolidated Actions, only to the extent that they are a named defendant and/or fact witness in the instant matter. However, plaintiff may not **requestion witnesses who have already been deposed in** the Consolidated Actions **on matters which are the subject of prior testimony**.

For convenience, the parties have sent a Word version of the proposed order to Chambers by email, with paragraph 10 left blank.

As always, we thank the Court for its continued time and attention — and wish the Court a warm and happy holiday.

¹ The parties have also agreed to remove Paragraph No. 7 from the version Plaintiff initially proposed as moot – and we have marked the paragraph as intentionally blank in the Word document sent to Chambers to avoid confusion with numbering.



Respectfully submitted,

/s/

J. Remy Green

Honorific/Pronouns: Mx., they/their/them

COHEN&GREEN P.L.L.C.

Attorneys for Plaintiff

1639 Centre St., Suite 216

Ridgewood, New York 11385

Enclosure.

cc:

All relevant parties by electronic filing.